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February 25, 2013

**By ECF and Mail**

Honorable Vera M. Scanlon  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Portelos, Francesco v. City of New York, et al.  
Docket No. 12 Civ. 3141 (RRM)(VS)

Dear Judge Scanlon:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants<sup>1</sup> in the above-referenced action. As set forth more fully below, I write on behalf of the defendants to respectfully request an extension of time to conduct depositions in this matter. This is defendants' first request for such an extension. Plaintiff does not consent and has stated, erroneously, that defendants are engaging in dilatory tactics.

Plaintiff, a teacher currently employed by the New York City Department of Education ("DOE"), brings this action raising claims pursuant to 42 U.S.C. § 1983, and New York Civil Service Law § 75-b. Specifically, plaintiff claims that defendants retaliated against him for complaining about alleged violations of city and state law by the administration of Berta A. Dreyfus middle school ("I.S. 49"), the school to which plaintiff was previously assigned.

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<sup>1</sup> Defendants are: The City of New York; New York City Department of Education ("DOE"); Dennis Walcott, Chancellor of New York City Department of Education; and Linda Hill, Principal of Intermediate School ("I.S.") 49.

**HONORABLE VERA M. SCANLON**

United States Magistrate Judge

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On December 19, 2012, your Honor held an Initial Conference with the parties; defendants appeared by telephone. Pursuant to the discovery schedule set at that conference, all discovery is scheduled to be completed by June 3, 2013. Plaintiff has since served defendants with deposition notices for four DOE Employees. He specifies that these depositions are to take place between March 4, 2013 and March 6, 2013. Defendants have contacted plaintiff repeatedly in an attempt to reschedule these depositions for early April. He has been unwilling to cooperate with the rescheduling of these dates until April, 2013. This extension has been requested as the undersigned has been working on a part time schedule following a return from maternity leave in September<sup>2</sup>. Further, on March 18, 2013 I will be lead trial counsel in the matter of Henderson v. City of New York, et. al., 05-CV-2599 (FB) and consequently will be consumed in the preceding weeks with preparation. Finally, the DOE witnesses are unavailable the week of March 25th, 2013 as schools are closed for winter recess and the parties are unavailable.

Accordingly, defendants respectfully request that the Court grant an extension of time, until April 15, 2013 to commence the four depositions noticed for March 4, 2013 and March 6, 2013<sup>3</sup>.

I thank the Court for its consideration of this request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jessica Giambrone', is written over a circular blue ink stamp or seal.

Jessica Giambrone  
Assistant Corporation Counsel

cc: Bryan Glass, Esq. (By ECF)  
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<sup>2</sup> Defendants' counsel returns to a full time work schedule on March 11, 2013.

<sup>3</sup> Plaintiff has previously consented to an extension until March 1, 2013 for defendants to respond to his First Interrogatories. Additionally defendants will serve their first Interrogatories on or before March 1, 2013 as well.